

## PATENT COOPERATION TREATY

PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

REC'D 28 DEC 2005

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(PCT Article 36 and Rule 70)

Applicant's or agent's file reference GOM1005	<b>FOR FURTHER ACTION</b>		See Form PCT/IPEA/416
International application No. PCT/AU2004/001386	International filing date (day/month/year) 11 October 2004	Priority date (day/month/year) 9 October 2003	
International Patent Classification (IPC) or national classification and IPC  Int. Cl.  <i>A47J 47/00 (2006.01)      A47J 36/34 (2006.01)      A47J 47/16 (2006.01)</i>			
Applicant GOMEZ, Julio Antonio			

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 4 sheets, including this cover sheet.

3. This report is also accompanied by ANNEXES, comprising:

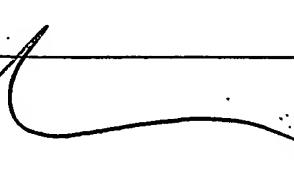
a.  (*sent to the applicant and to the International Bureau*) a total of 8 sheets, as follows:

- sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
- sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

b.  (*sent to the International Bureau only*) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or table related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I	Basis of the report
<input type="checkbox"/>	Box No. II	Priority
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input checked="" type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI	Certain documents cited
<input type="checkbox"/>	Box No. VII	Certain defects in the international application
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application

Date of submission of the demand 9 August 2005	Date of completion of this report 14 December 2005
Name and mailing address of the IPEA/AU  AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaaustralia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer   <b>R. WEBER</b> Telephone No. (02) 6283 2546

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/AU2004/001386

## Box No. I Basis of the report

1. With regard to the language, this report is based on:

The international application in the language in which it was filed

A translation of the international application into translation furnished for the purposes of: , which is the language of a

- international search (under Rules 12.3(a) and 23.1 (b))
- publication of the international application (under Rule 12.4(a))
- international preliminary examination (Rules 55.2(a) and/or 55.3(a))

2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

the international application as originally filed/furnished

 the description:

pages 2,3,6-16 as originally filed/furnished

pages\* 1 received by this Authority on 13 December 2005 with the letter of 13 December 2005.

pages\* 4,5,5A received by this Authority on 13 September 2005 with the letter of 12 September 2005

 the claims:

pages as originally filed/furnished

pages\* as amended (together with any statement) under Article 19

pages\* 17 - 20 received by this Authority on 13 December 2005 with the letter of 13 December 2005.

pages\* received by this Authority on with the letter of

 the drawings:

pages 1 - 18 as originally filed/furnished

pages\* received by this Authority on with the letter of

pages\* received by this Authority on with the letter of

a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3.  The amendments have resulted in the cancellation of:

- the description, pages
- the claims, Nos.
- the drawings, sheets/figs
- the sequence listing (*specify*):
- any table(s) related to the sequence listing (*specify*):

4.  This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- the description, pages
- the claims, Nos.
- the drawings, sheets/figs
- the sequence listing (*specify*):
- any table(s) related to the sequence listing (*specify*):

\* If item 4 applies, some or all of those sheets may be marked "superseded."

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

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## Box No. IV Lack of unity of invention

1.  In response to the invitation to restrict or pay additional fees the applicant has, within the applicable time limit:
  - restricted the claims
  - paid additional fees
  - paid additional fees under protest and, where applicable, the protest fee
  - paid additional fees under protest but the applicable protest fee was not paid
  - neither restricted the claims nor paid additional fees
2.  This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is:
  - complied with.
  - not complied with for the following reasons:

The international application lacks unity of invention as there is no clear common novel feature between claims 1 and 27.  
Claim 1 defines a microwave transparent food supportive device whereas claim 27 defines a food supportive device including a foundation base which folds out like a book.  
This authority did not invite the applicant to restrict or pay additional fees as all features of the claims were searched and a meaningful opinion could be expressed on all claims.
4. Consequently, this report has been established in respect of the following parts of the international application:
  - all parts.
  - the parts relating to claims Nos.

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/AU2004/001386

**Box No. V      Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Claims <b>1 to 27.</b>	YES
	Claims	NO
Inventive step (IS)	Claims <b>1 to 27.</b>	YES
	Claims	NO
Industrial applicability (IA)	Claims <b>1 to 27.</b>	YES
	Claims	NO

**2. Citations and explanations (Rule 70.7)**

Novelty (N) and Inventive Step (IS) Claims 1 to 27.

The claims as amended are directed to:-

1. A microwave transparent food supportive device used for microwave heating, cooking or drying of foods including: a plurality of food contact areas elevated from and substantially integral to a foundation that enables the support of food placed directly on the contact areas, wherein spaces between the elevated contact areas and the foundation form conduits adapted to vent the moisture from the food when being heated, cooked or dried.
2. A food supportive device for microwave heating, cooking or drying of food including: a plurality of food contact areas elevated from and substantially integral to a foundation that enables the support of food placed directly on the contact areas, wherein spaces between the elevated contact areas and the foundation form conduits adapted to vent the moisture from the food when being heated, cooked or dried, and wherein the supportive device includes a foundation base which folds like a book and the food contact areas pop up when the base is opened into operative form.

No individual citation or obvious combination of citations disclose these features. The closest art may be seen in the following documents:

US 4745249 A, JP 08169478 A, US 5008508 A, WO 1994 16606 A.

Industrial Applicability (IA) Claims 1 to 27:

All claims would appear to be industrially applicable.